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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/761,419

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EXAMINER

HUYNH, NAM TRUNG

ART UNIT

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2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/761,419	Applicant(s) PETROVIC ET AL.	
	Examiner NAM HUYNH	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 1/10/2008. Claims 1-14 have been cancelled and claim 15-27 have been added.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 15-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (US 2003/0016698) (hereinafter Chang) in view of Han (US 2003/0093739).

Regarding claim 15, Chang teaches a method of retransmission protocol reset synchronization in a radio network of a communication system, said radio network

including at least one radio network controller (RNC) for controlling a plurality of base stations in communication with mobile terminals, wherein the RNC communicates with a mobile terminal using a radio link control (RLC) procedure (paragraphs 49, 59), and the base station communicates with the mobile terminal using a medium access control (MAC) procedure (paragraphs 49, 59), comprising the steps of:

- performing an RLC reset procedure by an RLC sending entity (paragraph 76);
- and

- initiating a MAC reset procedure in response to an RLC reset procedure (paragraph 76),

- wherein parts of a soft buffer (paragraph 76), a reordering buffer in the mobile terminal (paragraph 99), and a priority queue in the base station (paragraph 20, buffer in Node B), associated to the MAC procedure,

- MAC PDUs associated to the RLC procedure, which is reset, and remaining in the soft buffer, reordering buffer in the mobile terminal and in the priority queue in the base station are flushed (paragraphs 76, 79).

However, Chang does not teach that more than one RLC procedure is used for communication between the RNC and the mobile terminal and MAC PDUs associated to other RLC procedures, which are not reset, and remaining in the soft buffer, reordering buffer in the mobile terminal and in the priority queue in the base station are not flushed. Han teaches PDUs buffered in a retransmission buffer are deleted or retransmitted based on a status report found within a STATUS PDU send by a peer RLC entity (paragraph 7). If a reset occurs positively acknowledged PDUs are purged

(PDUs associated to the RLC procedure), and PDUs that need to be retransmitted aren't purged (PDUs associated to other RLC procedures) (paragraphs 12, 13).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to only purge PDUs that were already acknowledged after a RLC reset, as taught by Han, in order to increase network efficiency by not having to retransmit PDUs that were already successfully transmitted before the reset was necessary.

Regarding claim 16, Chang teaches the RLC reset procedure is initiated upon occurrence of unrecoverable protocol error or upon reaching a predetermined number of retransmissions or upon transmitting a discard notification for a predetermined number of times (paragraph 76).

Regarding claim 17, Chang teaches the MAC reset procedure is carried out at the base station and the mobile terminal (paragraph 79).

Regarding claim 18, Chang teaches the MAC reset procedure in the base station is initiated by a MAC release request message sent by the RNC (paragraph 76).

Regarding claim 19, Chang teaches the MAC reset procedure in the mobile terminal is initiated by a channel reconfiguration message included in a radio resource control (RRC) protocol sent from the RNC to the mobile terminal (paragraph 76, RLC reset PDU).

Regarding claim 20, Chang teaches the MAC reset procedure in the mobile terminal is initiated by a reset request primitive sent from the receiving RLC entity to the

receiving MAC entity upon receiving a RLC RESET protocol data unit PDU (paragraph 76).

Regarding claim 21, Chang teaches the radio network is the UMTS terrestrial radio access network (UTRAN) using high speed downlink packet access HSDPA for data transmission (paragraph 49).

Regarding claim 22, Chang teaches the RLC procedure and MAC procedure transmit protocol data units (PDUs) over the network employing a hybrid automatic repeat request HARQ protocol where erroneous packets are stored for subsequent combining (paragraphs 8, 9).

Regarding claim 23, Chang teaches wherein remaining RLC PDUs stored in a priority queue at a base station are not transmitted once an RLC reset procedure has been invoked (paragraph 76, suspending HARQ).

Regarding claim 24, Chang teaches the MAC PDUs contain a reset identification (RID) field comprising logical channel identification (paragraph 74).

Regarding claim 25, Han teaches the MAC reset procedure with partial priority queue flush in the base station is initiated when receiving a MAC PDU with predefined inband identification and RID field (figure 4, bit 011-111).

Regarding claim 26, Han teaches the MAC reset procedure with partial priority queue flush in the base station is initiated when receiving a MAC release request message with RID field as an information element (figure 4, bit 011-111).

Regarding claim 27, Chang teaches the radio network is the UMTS terrestrial radio access network using enhanced uplink dedicated channel (EUDCH) access

employing HARQ protocol where erroneous packets are stored for subsequent combining (paragraphs 8,9).

Response to Arguments

4. Applicant's arguments with respect to claims 15-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Balachandran et al. (US 7,194,000).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAM HUYNH whose telephone number is (571)272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

NTH
4/11/08